

**SUPREME COURT MINUTES
WEDNESDAY, JANUARY 19, 2005
SAN FRANCISCO, CALIFORNIA**

S028747

PEOPLE v. SAN NICOLAS (RODNEY)
Rehearing denied

Petition for rehearing DENIED.

S030956

PEOPLE v. RAMOS (WILLIAM J.)
Rehearing denied

Petition for rehearing DENIED.

S129476

B176918 Second Appellate District,
Division Five

SMITH v. S.C. (LOREAL, USA)
Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.

S129821

F045972 Fifth Appellate District

M. (SARA) v. S.C. (TUOLUMNE COUNTY DEPT OF
SOCIAL SERVICES)
Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.

S126182

F042592 Fifth Appellate District

PEOPLE v. BLACK
Supplemental briefing ordered

The parties are directed to file supplemental
briefs addressing the effect of *United States v.*
Booker (2005) ____ U.S. ____
<<http://a257.g.akamaitech.net/7/257/2422/12jan20051100/www.supremecourtus.gov/opinions/04pdf/04-104.pdf>> on this case, no later than
February 2, 2005. Reply briefs may be filed no
later than February 9, 2005.

S128935

G032276 Fourth Appellate District,
Division Three

QUEST INTERNATIONAL v. ICODE CORP

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Le Francois v. Goel*, S126630 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S129027

B166427 Second Appellate District,
Division Four

PEOPLE v. MOORE

Review granted/briefing deferred

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Towne*, S125677 and *People v. Black*, S126182 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Defendants' petitions for review denied.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, Moreno, JJ.

S129226

A102885 First Appellate District,
Division Two

PEOPLE v. DAVEY

Review granted/briefing deferred

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, Moreno, JJ.

S129294

F044059 Fifth Appellate District

PEOPLE v. KENDRICK

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Shelton*, S124503 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, Moreno, JJ.

S129498B169642 Second Appellate District,
Division Two

PEOPLE v. RUIZ

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Cage*, S127344 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S129567A099095 First Appellate District,
Division Five

PEOPLE v. KILDAY

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Cage*, S127344 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S129826

A102251 First Appellate District,
Division Five

PEOPLE v. PICADO

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.

S130032

B165580 Second Appellate District,
Division Seven

PEOPLE v. JUAREZ

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.

S090684

BOLIN (PAUL C.) ON H.C.

Petition for writ of habeas corpus denied

The petition for writ of habeas corpus is denied.

Each claim is denied on the merits.

The following claims are each procedurally barred, separately and independently, as repetitive of a claim raised and rejected on appeal (see *In re Harris* (1993) 5 Cal.4th 813, 824-829; *In re Waltreus* (1965) 62 Cal.2d 218, 225): Claims E.1, E.2, I.3 (with respect to defense requested penalty phase instruction No. 9), and L.

Except to the extent the petition claims

ineffective assistance of appellate counsel, the following claims are each procedurally barred, separately and independently, because they could have been, but were not, raised on appeal (see *In re Harris*, *supra*, 5 Cal.4th at p. 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759): Claims A, B.1 (to the extent it alleges trial court error), C, E.3, E.4, F, H, I.1, I.2, I.3 (except as to defense requested penalty phase instruction No. 9), and J.

Brown, J., would deny solely on the merits.

S128840

D041833 Fourth Appellate District,
Division One

RUIZ v. SYSCO FOOD SERVICES

Petition for review denied

S128911

B178444 Second Appellate District,
Division Five

TREADWAY (BRUCE) ON H.C.

Petition for review denied

S128990

E036786 Fourth Appellate District,
Division Two

CUMMINS (JEFFREY) ON H.C.

Petition for review denied

S129042

C044795 Third Appellate District

PEOPLE v. SCHNEIDER

Petition for review denied

S129048

B171050 Second Appellate District,
Division One

**SOUTHERN CALIFORNIA EDISON v. P.U.C.
(CENTER FOR ENERGY EFFICIENCY, ETC.)**

Petition for writ of review denied

Chin, J., was recused and did not participate.

S129049

B168913 Second Appellate District,
Division Five

HUGHES v. HUGHES BROTHERS

Petition for review denied

S129064

C048114 Third Appellate District

SCOTT (JOHNNY) ON H.C.

Petition for review denied

S129123

G033269 Fourth Appellate District,
Division Three

PERMANENT GENERAL ASSURANCE v. S.C.
(HERNANDEZ)

Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed October 12, 2004, which appears at 122 Cal.App.4th 1493. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

Kennard, J., is of the opinion the petition should be granted.

S129131

A105859 First Appellate District,
Division Five

MOULTRY, MARRIAGE OF

Petition for review denied

S129133

H025873 Sixth Appellate District

PEOPLE v. VY

Petition for review denied

S129213

C045397 Third Appellate District

WOLFE v. CORBIN

Petition for review denied

S129238

A105363 First Appellate District,
Division Four

DALEY v. TOLLEFSON

Petition for review & publication request denied

S129256

H026484 Sixth Appellate District

PEOPLE v. DICKERSON

Petition for review denied

Werdegarr, J., is of the opinion the petition should be granted.

S129265

B178566 Second Appellate District,
Division Eight

MITCHELL SILBERBERG & KNUPP v. S.C.
(CEDARS-SINAI MEDICAL CENTER)

Petition for review denied

S129270

C045463 Third Appellate District

JAMESON v. SCHWARZENEGGER

Petition for review denied

S129307

A105136 First Appellate District,
Division Four

CORIO, INC. v. LIVEPERSON, INC.
Petition for review denied

S129361

F043776 Fifth Appellate District

PEOPLE v. NELSON
Petition for review denied

Baxter, J., was recused and did not participate.

S129371

A105381 First Appellate District,
Division One

PEOPLE v. DOW
Petition for review denied

S129431

B177608 Second Appellate District,
Division Five

COLLIER v. BROWN
Petition for review denied

S129438

B178511 Second Appellate District,
Division One

CIRCLE K STORES v. DEPT. OF ALCOHOLIC
BEVERAGE CONTROL
Petition for review and application for stay denied

S129441

D040082 Fourth Appellate District,
D041110 Division One

WARD, MARRIAGE OF
Petition for review denied

S129462

A103106 First Appellate District,
Division Four

PEOPLE v. GREEN
Petition for review denied

S129465

B165096 Second Appellate District,
Division Five

TAVITIAN v. NORWEST MORTGAGE
Petition for review denied

S129467

B174606 Second Appellate District,
Division Four

BENUN v. S.C. (COUNTRY VILLA EAST)
Petition for review denied

Kennard, J., and Baxter, J., are of the opinion
the petition should be granted.
Chin, J., was recused and did not participate.

S129469

B169504 Second Appellate District,
Division Two

PEOPLE v. STONE

Petition for review & depublication request denied

S129482

B172600 Second Appellate District,
Division Four

PEOPLE v. WINSLOW

Petition for review & depublication request denied

S129493

B169599 Second Appellate District,
Division Eight

MAGGIO v. SCHATZ

Petition for review denied

S129494

G031354 Fourth Appellate District,
Division Three

PEOPLE v. CARPENTER

Petition for review denied

S129505

H026107 Sixth Appellate District
H027596

PEOPLE v. MEDINA

Petition for review denied

S129511

A106348 First Appellate District,
Division Four

BAKER v. OAKLAND UNIFIED SCHOOL DISTRICT

Petition for review and application for stay denied

Request for judicial notice denied.

S129548

B171108 Second Appellate District,
Division Seven

PEOPLE v. ROJAS

Petition for review denied

S129558

C040523 Third Appellate District

PLACER RANCH v. WESTERN PLACER WASTE
MANAGEMENT AUTHORITY

Petition for review denied

S129573

D043013 Fourth Appellate District,
Division One

GORGES v. SOMO

Petition for review denied

S129574
H026966 Sixth Appellate District

PEOPLE v. HOLMES
Petition for review denied

Kennard, Werdegarr and Moreno, JJ., are of the opinion the petition should be granted.

S129581
D043006 Fourth Appellate District,
Division One

PEOPLE v. PLEASANT
Petition for review denied

S129589
C041457 Third Appellate District

GRANDA v. FORD MOTOR COMPANY
Petition for review denied

S129634
D042036 Fourth Appellate District,
Division One

PEOPLE v. ARNOLD
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S129644
G032710 Fourth Appellate District,
Division Three

BUSH v. UNIVERSITY COMMUNITY ASSN.
Petition for review & publication request denied

S129677
F044890 Fifth Appellate District

PEOPLE v. MCCRAY
Petition for review denied

S129680
E033977 Fourth Appellate District,
Division Two

PEOPLE v. DAVIS
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S129683
F044001 Fifth Appellate District

GUERRERO v. ACQUA
Petition for review denied

S129686

A107730 First Appellate District,
Division One

WEEKS DRILLING v. W.C.A.B. (STERLING)
Petition for review denied

S129690

D041824 Fourth Appellate District,
Division One

PEOPLE v. VIZCARRA
Petition for review denied

S129732

A105780 First Appellate District,
Division Five

REIDY v. CITY & COUNTY OF SAN FRANCISCO
Petition for review & depublication requests denied

S129733

E034336 Fourth Appellate District,
Division Two

PEOPLE v. MILES
Petition for review denied

S129754

C044442 Third Appellate District

ORTEGA v. STATE OF CALIFORNIA
Petition for review denied

S129761

B173703 Second Appellate District,
Division Three

PATEL v. ROCKWEST INC.
Petition for review denied

S129763

A104538 First Appellate District,
Division Three

ALLEN v. CITY OF OAKLAND
Petition for review denied

S129766

H028129 Sixth Appellate District

WALKER (JONATHAN C.) ON H.C.
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S129774

B163415 Second Appellate District,
Division Three

LEONTE v. ACS STATE & LOCAL SOLUTIONS
Petition for review denied

S129805

C044500 Third Appellate District

PEOPLE v. WARDE
Petition for review denied

S129812

A103046 First Appellate District,
A103742 Division Four

KRUMME v. MERCURY INSURANCE CO.

Petition for review & depublication request denied

S129813

B169434 Second Appellate District,
Division Seven

VERBUKH v. CALIF. DEPT. OF HEALTH SVCS.

Petition for review denied

S129830

G033107 Fourth Appellate District,
Division Three

MERRILL v. SEBBIN

Petition for review denied

S129858

H026701 Sixth Appellate District

PEOPLE v. KNOX

Petition for review denied

Werdegar, J., is of the opinion the petition
should be granted.

S129862

B165776 Second Appellate District,
Division Three

PEOPLE v. KIM

Petition for review denied

S129873

C044044 Third Appellate District

PEOPLE v. LARK

Petition for review denied

denied without prejudice to any relief to which
defendant might be entitled after this court
determines in *People v. Black*, S126182, and
People v. Towne, S125677, the effect of *Blakely*
v. Washington (2004) __ U.S. __ 124 S.Ct. 2531,
on California law.

S129876

B172186 Second Appellate District,
Division Eight

P. (LATOYA), IN RE

Petition for review denied

S129880

A102307 First Appellate District,
A110347 Division Two

YIP v. ABBOTT & WOO

Petition for review denied

S129881

B172486 Second Appellate District,
Division One

PEOPLE v. MAXION

Petition for review denied

S129883

C045307 Third Appellate District

PEOPLE v. FORRESTER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S129884

G032523 Fourth Appellate District,
Division Three

HANSEN v. HANSEN

Petition for review denied

S129886

B168926 Second Appellate District,
Division Four

PEOPLE v. SANDRES

Petition for review denied

S129888

A103625 First Appellate District,
Division Two

PEOPLE v. CEJA

Petition for review denied

S129891

B169762 Second Appellate District,
Division Eight

PEOPLE v. ALVAREZ

Petition for review denied

S129893

F043452 Fifth Appellate District

PEOPLE v. MCKENZIE

Petition for review denied

S129900

F046779 Fifth Appellate District

GORDON v. S.C. (KELLEY)

Petition for review and application for stay denied

Baxter, J., was recused and did not participate.

S129901

B168014 Second Appellate District,
Division Five

PEOPLE v. HENRY

Petition for review denied

S129911

D043012 Fourth Appellate District,
Division One

GAGGERO v. COUNTY OF SAN DIEGO

Petition for review denied

S129913

B173606 Second Appellate District,
Division Five

PEOPLE v. CHATFIELD

Petition for review denied

S129915

H027247 Sixth Appellate District

PEOPLE v. MONTES

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S129931

C043314 Third Appellate District

PEOPLE v. LANE

Petition for review denied

S129936

B169371 Second Appellate District,
Division Four

PEOPLE v. BOULDEN

Petition for review denied

S129939

D042761 Fourth Appellate District,
Division One

SZANIAWSKI v. SZANIAWSKI

Petition for review denied

S129940

H028122 Sixth Appellate District

KLEDER v. S.C.(PEOPLE)

Petition for review and application for stay denied

Kennard and Moreno, JJ., are of the opinion the petition should be granted.

S129942

B169297 Second Appellate District,
Division Two

PEOPLE v. MARTIN

Petition for review denied

S129943

H028172 Sixth Appellate District

LEBBOS v. S.C. (PEOPLE)

Petition for review and application for stay denied

S129945

H028121 Sixth Appellate District

KLEDER (JOHN) ON H.C.

Petition for review and application for stay denied

Kennard and Moreno, JJ., are of the opinion the petition should be granted.

S129950

C043923 Third Appellate District

PEOPLE v. DARBY

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S129951D043112 Fourth Appellate District,
Division One

PEOPLE v. BELMONT

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S129953D043647 Fourth Appellate District,
Division One

PEOPLE v. TORRES

Petition for review denied

S129955

C043537 Third Appellate District

SINGH v. FREMONT MUTUAL FUNDS

Petition for review denied

S129980G032207 Fourth Appellate District,
Division Three

PEOPLE v. MACABEO

Petition for review denied

S129981
C044176 Third Appellate District

M. (STEVEN), IN RE
Petition for review denied

S129982
A102389 First Appellate District,
Division One

PEOPLE v. ALVAREZ
Petition for review denied

S129988
E034599 Fourth Appellate District,
Division Two

PEOPLE v. ROJAS
Petition for review denied

denied without prejudice to any relief to which
defendant might be entitled after this court
determines in *People v. Black*, S126182, and
People v. Towne, S125677, the effect of *Blakely*
v. Washington (2004) __ U.S. __ 124 S.Ct. 2531,
on California law.

S129990
F044538 Fifth Appellate District

PEOPLE v. KOLB
Petition for review denied

S129991
A103519 First Appellate District,
Division One

PEOPLE v. REED
Petition for review denied

denied without prejudice to any relief to which
defendant might be entitled after this court
determines in *People v. Black*, S126182, and
People v. Towne, S125677, the effect of *Blakely*
v. Washington (2004) __ U.S. __ 124 S.Ct. 2531,
on California law.

S129992
B171045 Second Appellate District,
Division Six

PEOPLE v. JUAREZ
Petition for review denied

S129993
C045321 Third Appellate District

PEOPLE v. KENDRICK-GREYWOLF
Petition for review denied

S130001
C044131 Third Appellate District

PEOPLE v. ANTHONY
Petition for review denied

S130002

B167765 Second Appellate District,
Division Six

PEOPLE v. GOMEZ

Petition for review denied

S130003

C046957 Third Appellate District

S. (LINDA), IN RE

Petition for review denied

S130006

B172135 Second Appellate District,
Division One

PEOPLE v. MARLBROUGH

Petition for review denied

S130008

A103899 First Appellate District,
Division Five

PEOPLE v. LAKE

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130015

E033755 Fourth Appellate District,
Division Two

PEOPLE v. CALVIN

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130016

E034895 Fourth Appellate District,
Division Two

M. (BOBBY), IN RE

Petition for review denied

S130017

B170336 Second Appellate District,
Division Seven

PEOPLE v. MCGEE

Petition for review denied

S130019

C042806 Third Appellate District

PEOPLE v. MOORE

Petition for review denied

S130020

C045746 Third Appellate District

PEOPLE v. WILSON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130023B171377 Second Appellate District,
Division Seven

PEOPLE v. ALCALA

Petition for review denied

S130028

C043185 Third Appellate District

PEOPLE v. BYNUM

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130031A102395 First Appellate District,
Division Two

PEOPLE v. HENDERSON

Petition for review denied

S130037

C046362 Third Appellate District

PEOPLE v. DURAN

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130047

C045318 Third Appellate District

PEOPLE v. OLANIO

Petition for review denied

S130051

E034472 Fourth Appellate District,
Division Two

PEOPLE v. CABBAGESTALK

Petition for review denied

S130077

D042624 Fourth Appellate District,
Division One

LYON, MARRIAGE OF

Petition for review denied

S130083

B170274 Second Appellate District,
Division Seven

PEOPLE v. RABB

Petition for review denied

S130196

F046720 Fifth Appellate District

WESSON v. S.C. (PEOPLE)

Petition for review and application for stay denied

Baxter, J., was recused and did not participate.

S120010

LABOA (ROCKY) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

S120507

WEBB (MARVIN) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., recused and did not participate.

S121152

STEWART (EDWARD) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

S121579

SAVIDGE (RICHARD D.) ON H.C.

Petition for writ of habeas corpus denied

S121678

BERRY (WAYMON M.) ON H.C.

Petition for writ of habeas corpus denied

S121679

TROY (LONNIE) ON H.C.
Petition for writ of habeas corpus denied

S121814

MATTHEWS (DONALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S121819

SAUNDERS (JASON) ON H.C.
Petition for writ of habeas corpus denied

S121828

CHILDS (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

S123001

SNELL (EDWIN) ON H.C.
Petition for writ of habeas corpus denied

S123083

FITE (ROBERT DEAN) ON H.C.
Petition for writ of habeas corpus denied

S123229

CHUM (SITHA) ON H.C.
Petition for writ of habeas corpus denied

S123236

HUNT (RICHARD D.) ON H.C.
Petition for writ of habeas corpus denied on the merits.

S123252

MORALES (JOSE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S123254

CASTILLO (OSCAR) ON H.C.
Petition for writ of habeas corpus denied

S123255

MENDOZA (DANIEL) ON H.C.
Petition for writ of habeas corpus denied

S123267

SILVA (FABIAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lindley* (1947) 29 Cal.2d 709.)

S123269

GILLIE (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S123273

PIMENTEL (ILDER O.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S123278

COX (PAUL) ON H.C.
Petition for writ of habeas corpus denied

S123305

BRIA (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

S123311

CORNEJO (FRANCISCO) ON H.C.
Petition for writ of habeas corpus denied

S123316

SINGLETON (STANLEY E.) ON H.C.
Petition for writ of habeas corpus denied

S123317

BLANCO (ARATH) ON H.C.
Petition for writ of habeas corpus denied

S123318

ESTEVEZ (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

S123321

COX (JEFFREY L.) ON H.C.
Petition for writ of habeas corpus denied

S123345

ELLIS (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

S123349

BLECHA (JOHN J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Dixon (1953) 41 Cal.2d 756.)

S123350

FITE (ROBERT D.) ON H.C.
Petition for writ of habeas corpus denied

S123352

DIAMOND (JOHN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

S123354

PETETT (EDUARDO G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S123358

MILLER (GERALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Waltreus (1965) 62 Cal.2d 218; *In re Seaton* (2004) 34 Cal.4th 193; *In re Dixon* (1953) 41 Cal.2d 756.)

S123364

ALI (MOHAMMED H.) ON H.C.
Petition for writ of habeas corpus denied

S123376

WEBB (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

S123379

PEREZ (RAMON A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S123381

CONDE (LARRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Lessard* (1965) 62 Cal.2d 497, 503;
In re Dixon (1953) 41 Cal.2d 756.)

S123383

WALKER (ANTONIO L.) ON H.C.
Petition for writ of habeas corpus denied

S123397

KING (THOMAS E.) ON H.C.
Petition for writ of habeas corpus denied

denied as untimely (*In re Robbins* (1998) 18
Cal.4th 770, 780), and on the merits.

S123418

MILTON (RICKY) ON H.C.
Petition for writ of habeas corpus denied

S123425

ALFORD (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S123600

WEBB (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

S126564

COLLINS (GERALD) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464,
474.)

S127697

KEYS (LARRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S127744

DEVRIES (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

S129231

NWANDU (SUPERB) ON H.C.
Petition for writ of habeas corpus denied

S129282

SINGLETON (STANLEY E.) ON H.C.
Petition for writ of habeas corpus denied

S129324

ECHEVERRIA (LUIS) ON H.C.
Petition for writ of habeas corpus denied

S129608

SCHAPP (DOUGLAS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S130050

DAVIS (CONNOR) ON H.C.
Petition for writ of habeas corpus denied

S130158

OROZCO (ARCADIO) ON H.C.
Petition for writ of habeas corpus denied

S130176

PITTS (THOMAS E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

S130248

CLAY (ROY D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Seaton* (2004) 34 Cal.4th 193.)

S130293

SHEPHERD (LEE R.) ON H.C.
Petition for writ of habeas corpus denied

S130294MILLER (DAREN) ON H.C.
Petition for writ of habeas corpus denied**S130328**CASTILLO (JAVIER) ON H.C.
Petition for writ of habeas corpus denied**S130378**WU (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied(See *In re Dexter* (1979) 25 Cal.3d 921.)**S130454**SNOWDEN (BERNARD) ON H.C.
Petition for writ of habeas corpus & stay denied**S129648**

C044110 Third Appellate District

PEOPLE v. ARBACAUSKAS
Depublication ordered

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed October 25, 2004, which appears at 123 Cal.App.4th 502. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

S128765B166231 Second Appellate District,
Division EightMARTINEZ v. CHIPPEWA ENTERPRISES INC.
Depublication request denied (case closed)**S129448**B165082 Second Appellate District,
Division FiveACTION APARTMENT ASSOCIATION v. CITY OF
SANTA MONICA
Time extended to grant or deny review

to February 25, 2005

S129513B162572 Second Appellate District,
Division FiveHUTTON v. LAW OFFICES OF HERBERT HAFIF
Time extended to grant or deny review

to February 28, 2005.

S129522

D041356 Fourth Appellate District,
Division One

TABACCO CASES II, JCCP 4042

Time extended to grant or deny review

to Feb. 28, 2005.

S129538

B178730 Second Appellate District,
Division Two

CLARK (MICHAEL) ON H.C.

Time extended to grant or deny review

to February 28, 2005

S129583

D044785 Fourth Appellate District,
Division One

ABEL (CRAIG VERNEST) ON H.C.

Time extended to grant or deny review

to February 25, 2005.

S129599

A105153 First Appellate District,
Division Three

FIDELITY NATIONAL TITLE INS v. MARKS

Time extended to grant or deny review

to March 2, 2005

S129711

B179012 Second Appellate District,
Division Two

WARTH (BRIAN) ON H.C.

Time extended to grant or deny review

March 2, 2005

S129741

B179083 Second Appellate District,
Division Three

MALAAMBO v. S.C. (KAISER FOUNDATION)

Time extended to grant or deny review

March 3, 2005

S123832

C043716 Third Appellate District

AGUA CALIENTE BAND OF CAHUILLA INDIANS
v. S.C. (FAIR POLITICAL PRACTICES COMM)

Extension of time granted

to March 2, 2005 for petitioner to file the reply
brief on the merits.

S125643

A101754 First Appellate District,
Division Five

M. (K.) v. G. (E.)

Extension of time granted

to February 7, 2005 for appellant to file the
reply brief on the merits.

S127921

E030908 Fourth Appellate District,
Division Two

CARTER v. DEPT OF VETERANS AFFAIRS

Extension of time granted

Appellant's time to serve and file the answer brief on the merits is extended to and including March 2, 2005.

S022998

PEOPLE v. TOWNSEL (ANTHONY L.)

Order: (dispositive)

Defendant's letter, filed on December 7, 2004, treated as a motion to relieve appointed counsel and appoint new counsel in her place (see *People v. Marsden* (1970) 2 Cal.3d 118), is denied.

S089311

PEOPLE v. HENRIQUEZ (CHRISTOPHER)

Counsel appointment order filed

Counsel Lynne S. Coffin is appointed to represent appellant Christopher Henriquez for the direct appeal pending in this court.

S117313

C039117 Third Appellate District

PEOPLE v. MOSS

Withdrawal of counsel allowed by order

Louis Wijsen's motion to withdraw as attorney of record, filed on January 12, 2005, is granted.

S128582

D042980 Fourth Appellate District,
Division One

PEOPLE v. GEORGE

Counsel appointment order filed

Patricia J. Ulibarri appointed to represent appellant Keyon George.

S034072

PEOPLE v. CURL (ROBERT ZANE)

Motion for access to sealed record granted

The "Second Application for Release of Confidential Files and Materials," filed on October 1, 2004, is granted in part and denied in part as follows:

To the extent appellant seeks the release of

Reporter's Transcript on Appeal volume 3, pages 838 to 842; Augmented Reporter's Transcript on Appeal volume IX, pages 1301 through 1400; and Augmentation to Reporter's Transcript on Appeal, volume XI, pages 1501-1515, the application is granted as follows: The clerk of this court is directed to redact the materials to omit reference to specific locations where witnesses were housed and to an unrelated case, and to provide each party with a copy of those materials as so redacted.

In all other respects, the application is denied, either because the request is duplicative of the materials ordered above to be provided to the parties, because the requested materials are in the public portion of the record, or because the requested materials appear not to exist.

S060803

PEOPLE v. MUNGIA (JOHN)
Record ordered unsealed

Respondent's "Application to Unseal Trial Transcript," filed December 29, 2004, which is in substance an application for a copy of a sealed transcript pursuant to California Rules of Court, rule 31.2(a)(4), is granted.

The clerk is directed to provide respondent with a copy of the 'Sealed Pretrial Proceedings Before the Honorable J. Thompson Hanks, Judge Presiding, Department 51, June 3, 1996, case number CR-59671 of the Consolidated Superior/Municipal Courts of Riverside County - Western Branch, volume 1PT-A, pages 131 – 133.' (CT 242; RT 131–133) The transcript is to remain sealed.

S058537

PEOPLE v. COLLINS (SCOTT FORREST)
Order filed

The order filed on January 12, 2005, is amended to read as follows:

Good cause appearing, and based upon Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing the appellant's reply brief by February 10, 2005,

counsel's request for an extension of time in which to file that brief is granted to 2/10/2005. After that date, no further extension will be granted.

B177162 Second Appellate District

PEOPLE v. JOHNSON TRAN N.
Transfer order filed

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Eight to Division Two.

Admin. 2005-1-1

IN THE MATTER OF THE APPOINTMENT OF
JUDICIAL MEMBERS OF THE COMMISSION ON
JUDICIAL PERFORMANCE

Pursuant to the provisions of article VI, section 8, subdivision (a), of the California Constitution, the Honorable Frederick Paul Horn, Presiding Judge of the Superior Court of Orange County, is reappointed to the Commission on Judicial Performance effective March 1, 2005, for a term ending February 28, 2009.

